

Docket No.: 066470-0011

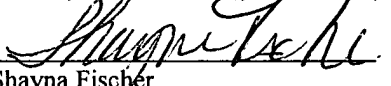
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Customer Number: 33401
David Gomes et al. : Confirmation Number: 2256
Serial No.: 10/807,032 : Group Art Unit: 2171
Filed: March 23, 2004 : Examiner: N/A
For: MULTI-TIER DOCUMENT MANAGEMENT SYSTEM

CERTIFICATE OF MAILING UNDER (37 CFR. § 1.8(a))

I hereby certify that that on January 21, 2005, this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Shayna Fischer

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)

Attn: Ms. Christina Tartera Donnell, Esq., Senior Petitions Attorney
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicants respectfully request reconsideration of their Petition Under 37 C.F.R. 1.47, filed August 6, 2004, as follows.

Applicants filed the August 6, 2004 Petition Under 37 C.F.R. 1.47 and appended affidavit of Ms. Patrice Jeffries to demonstrate that a joint inventor of the above-referenced patent application was unavailable on the ground that he had since left the corporate entity (of which the remaining three joint inventors were affiliated) and had refused to join as a joint inventor despite repeated requests from Applicants.

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The Patent and Trademark Office (“PTO”) mailed to Applicants on September 22, 2004 a Decision Refusing Status Under 37 C.F.R. 1.47(a). The PTO’s dismissal of Applicants’ Petition was based on the following two grounds:

(1) “It is unclear from the record whether Mr. Mishra [the unavailable inventor] was presented with the complete application papers. Unless Mr. Mishra was presented with a complete copy of the application papers, including the specification, claims and drawings, he could not attest that he has ‘reviewed and understands the application papers,’ and therefore could not sign the declaration he was given. Accordingly, applicants failed to show or provide proof that the inventor has refused to sign the declaration. See MPEP 409.03(d). To show that the inventor has refused to join in the application, applicants must show that a complete copy of the application papers, including the specification, claims and drawings, was presented to Mr. Mishra, personally and through his designated representative, and that he did not respond to the request to sign the declaration.” See Decision Refusing Status Under 37 CFR 1.47(a) at 2.

(2) “[A]pplicants failed to submit an oath or declaration for the patent application in compliance with 37 C.F.R. 1.63 or 1.64. The declaration does not identify the country of citizenship, mailing address and residence of inventor Mishra. The Office notes that the oath or declaration must identify the country of citizenship of each inventor. See 37 C.F.R. 1.63(a)(3). Additionally, the declaration must identify ‘[t]he mailing address, and the residence if the inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor. . . . 37 C.F.R. 1.63(c)(1).’ See Decision Refusing Status Under 37 CFR 1.47(a) at 2.

The PTO’s decision further stated that “to correct these deficiencies, applicants must submit a declaration in compliance with 37 C.F.R. 1.63 and 1.67, which identifies the entire

inventive entity and the correct mailing address and citizenship of each inventor and is signed by the signing inventors on behalf of the nonsigning inventors, Mr. Mishra.” See Decision Refusing Status Under 37 CFR 1.47(a) at 2.

Applicants respectfully submit that, by this Request for Reconsideration, it has fully addressed and corrected the deficiencies noted by the PTO. In particular, as to item (1), above, Applicants have submitted concurrently herewith a “Supplemental Declaration of Patrice Jeffries in Support of Request for Reconsideration of Petition Under 37 C.F.R. 1.47(a).” In that declaration, Ms. Jeffries sets forth additional facts establishing that a diligent effort was made to contact Mr. Mishra. Specifically, Ms. Jeffries’ declaration establishes that Applicants presented Mr. Mishra with a complete copy of the patent application for review, including the specification, claims and drawings, as well as a declaration and assignment. All of these documents were presented to Mr. Mishra with an accompanying request to review the application and execute the declaration. The declaration further establishes that Mr. Mishra did not respond to Applicants’ request, and in fact contacted the undersigned attorney indicating that he would refuse to respond to the request. Accordingly, Applicants respectfully submit that they have now fully addressed and corrected the deficiencies described in item (1), above, which were noted by the PTO in its Decision Refusing Status under 37 CFR 1.47(a).

As to item (2), above, Applicants have amended the declaration for the patent application to comply with 37 C.F.R. 1.63 and 1.64. The amended declaration is submitted concurrently herewith. In particular, the declaration now includes the mailing address, residence, and country of citizenship of Mr. Mishra. In compliance with 37 C.F.R. 1.63(c)(1), Applicants note that the mailing address of Mr. Mishra is the same as the address where Mr. Mishra customarily receives

mail. The remaining three joint inventors have executed the declaration on behalf of the non-signing inventor, Mr. Mishra.

Applicants respectfully submit that they have now corrected the deficiencies noted by the PTO in the September 22, 2004 Decision Refusing Status Under 37 CFR 1.47(a). Accordingly, Applicants respectfully request that the PTO grant Applicants' August 2004 Petition Under 37 C.F.R. § 1.47.

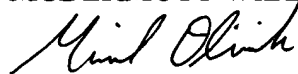
PETITION FEE AND EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Please charge Deposit Account No. 501946 in the amount of \$130.00 for the petition fee. Applicants also file herewith a petition for a two-month extension of time to respond under 37 C.F.R. § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account, referencing attorney docket no. 66470-011.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Michael Oleinik
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2049 Century Park East, 34th Floor
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Telephone: (310) 277-4110
Facsimile: (310) 277-4730
Date: January 21, 2005

**DECLARATION AND PETITION**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which United States Patent Application Serial Number 10/807,032, entitled **MULTI-TIER DOCUMENT MANAGEMENT SYSTEM**, was filed March 23, 2004.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

PRIOR FOREIGN APPLICATION(S)

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

Number	Country	Filing Date	Priority Claimed?
NONE			

PRIOR UNITED STATES APPLICATION(S)

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
NONE		

PRIOR UNITED STATES PROVISIONAL APPLICATION

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

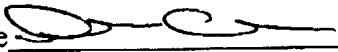
Application Serial No.	Filing Date	Status
NONE		

We hereby declare: All statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, and this petition.

Full name of first inventor: David Gomes

Inventor's signature  Date 6/24/04

Residence: 202 San Vicente Blvd, #3 Santa Monica, CA 90402

Citizenship: USA

Post Office Address: Santa Monica, CA

Full name of second inventor: Duke Fong

Inventor's signature  Date 6/24/04

Residence: 118 N. Gladys Ave., Unit #C, San Gabriel, CA 91775

Citizenship: U.S. Citizenship

Post Office Address: San Gabriel, CA

Full name of third inventor: Sanjeev Mishra

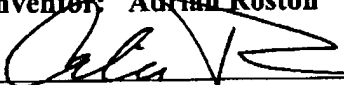
Inventor's signature _____ Date _____

Residence: Orange, California

Citizenship: U.S.A.

Post Office Address: 2205 North Grandview Road, Orange, California 92867

Full name of fourth inventor: Adrian Roston

Inventor's signature  Date 6/24/04

Residence: 18026 BLANK BLVD #2 ENCLINO, CA 91316

Citizenship: USA

Post Office Address: ENCLINO, CA